

RECEIVED
CENTRAL FAX CENTER

NOV 03 2005

**FACSIMILE COVER PAGE
(THIS COVER PAGE + 2 PAGES)**

Today's Date: November 3, 2005

To: Examiner J. Im, Art Unit: 2811

FAX: (571) 273-8300

**From: Frederick E. Cooperrider #36,769
McGinn Intellectual Property Law Group, PLLC
Ph: (703) 761-2377**

In re Application of DeVries, et al.

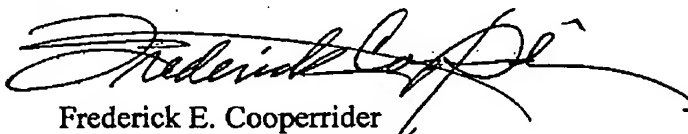
Serial No.: 10/709,325

**For: METHOD AND STRUCTURE FOR CONNECTING GROUND/POWER NETWORKS
TO PREVENT CHARGE DAMAGE IN SILICON ON INSULATOR**

Contents: 1. Response to Restriction Requirement (2 pages)

CERTIFICATION OF TRANSMISSION

I certify that I transmitted via facsimile to (571) 273-8300 this Response to Restriction Requirement to Examiner J. Im on November 3, 2005.


**Frederick E. Cooperrider
Reg. No. 36,769**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

DeVries, et al

Serial No.: 10/709,325

Group Art Unit: 2835

RECEIVED
CENTRAL FAX CENTER

NOV 03 2005

Filed: April 28, 2004

Examiner: Im, J.

For: METHOD AND STRUCTURE FOR CONNECTING GROUND/POWER NETWORKS
TO PREVENT CHARGE DAMAGE IN SILICON ON INSULATORCommissioner for Patents
Alexandria, VA 22313-1450RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Restriction requirement in the Office Action mailed October 3, 2005, in which the Examiner defined Invention I as being described by claims 1-10 and 19-20 and Invention II as claims 11-18, Applicants herein elect Invention I, directed to claims 1-10 and 19-20, with traverse, for the reasons described hereinbelow.

The traversal is based upon the Examiner's failure to heed the plain meaning of the claim language for the Restriction evaluation, as required by MPEP §806.01: *"In passing upon questions of double patenting and restriction, it is the claimed subject matter that is considered and such claimed subject matter must be compared in order to determine the question of distinctness or independence."*

In the present analysis, the Examiner reasonably considers the two inventions as related by product made and process of making. The Examiner then continues: *"In the instant case the product as claimed can be made by another and materially different process. For example, the device can be formed by a dry etching process instead of the plasma process not to cause a differential charge to the chip during interconnection of the circuit"*.

Applicants respectfully submit that the device independent claims of Invention I are worded so as to describe that metal grids are interconnected in the manufacturing sequence (e.g., in the sequence of superimposed layers) at a point no later than that at which a plasma process would have allowed charges to accumulate. Applicants submit that this point of interconnection of the grids can be determined regardless of whether the chip fabricating actually uses dry

etching, since the sequence of layers will reveal the stage at which the interconnect occurred, regardless of how fabrication etching actually occurred. If the interconnect can be demonstrated as having been made at the stage appropriate for plasma etching, that is all that would be required.

Applicants also submit that there is no additional burden imposed upon the Examiner in the instant case, and that, indeed, the search requires that both areas be searched, since it would be hard to justify that the device claims have been adequately searched when the grid interconnection is defined in terms of manufacturing process steps. Stated slightly differently, Applicants submit that the search will presumably have to include a search in the art area defined by the Examiner as related, just to be able to determine this point of interconnection and to conclude that no other manufacturing sequence already describes a device fabricated by this method.


Therefore, Applicants submit that the evaluation for the restriction fails to appropriately follow the correct analysis defined in the MPEP.

Early, favorable prosecution on the merits is respectfully requested.

Should the Examiner find the Application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

A conditional petition is made for any extension of time which may become necessary. The Commissioner is authorized to charge any fees for such extension and to credit any overpayment in fees to Assignee's Deposit Account No. 09-0456.

Respectfully Submitted,


Frederick E. Cooperrider
Reg. No. 36,769

Date: 11/3/05

McGinn Intellectual Property Law Group, PLLC
8321 Old Courthouse Road, Suite 200
Vienna, Virginia 22182
(703) 761-4100/Atty's Direct No: (703) 761-2377
Customer No. 21254

CERTIFICATION OF TRANSMISSION

I certify that I transmitted via facsimile to (571) 273-8300 this Response to a Restriction Requirement to Examiner Im on November 3, 2005.


Frederick E. Cooperrider/Reg. No. 36,769

S/N: 10/709,325

Page 2 of 2